

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING  
CHAPTER 38B, HAZARDOUS SUBSTANCES, TO THE CODE  
OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 38A, Hazardous Substances, is added to the Code of the Borough of Merchantville, as follows:

**ARTICLE I.                      SECTION 38B-1                      Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**CLEANUP AND REMOVAL COSTS** - All costs associated with a discharge within the boundaries of the Borough of Merchantville, which shall include labor and material for the removal of hazardous substances or taking of reasonable measures to prevent or mitigate damages to the public health, safety or welfare of the residents of the Borough of Merchantville, including the lands, private and public, therein.

**DISCHARGE** - Any intentional or unintentional action or omission resulting in the release, spill, leak, emission, dump or disposal of hazardous substances into the waters or lands within the Borough of Merchantville or outside the Borough when damage may result to the waters or lands inside the Borough.

**HAZARDOUS SUBSTANCE** - All elements and compounds, including petroleum products as set forth within N.J.S.A. 58:10-23.11b, as amended, except that sewage and sewage sludge shall be considered hazardous substances for the purpose of this Chapter.

**PERSON** - Any individual, public or private corporation, companies, association, societies, firms, partnerships or joint-stock companies.

**ARTICLE II.                      SECTION 38B-2                      Liability for costs.**

Any person who shall discharge hazardous substances within the Borough of Merchantville shall be strictly liable for all cleanup and removal costs incurred by the Borough of Merchantville or agencies and employees thereon.

**ARTICLE III.                      SECTION 38B-3                      Hearing on assessment.**

Upon assessment of cleanup and removal costs, the person assessed may, within 10 days of receipt of such assessment, make a written request for a hearing before Borough Council exclusively upon the reasonableness of the amount assessed.

**ARTICLE IV.                      SECTION 38B-4                      Attorneys' fees; collection costs.**

The person responsible for the discharge shall be liable for all reasonable attorneys' fees and costs incurred in the collection of cleanup and removal costs.

**ARTICLE V.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE VI.**

This Ordinance shall take effect upon passage and publication according to law.

**THE BOROUGH OF MERCHANTVILLE**

**BY: \_\_\_\_\_**  
**EDWARD F. BRENNAN, MAYOR**

**ATTEST:**

**\_\_\_\_\_  
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by the Borough Council at the regular meeting held on August 10, 2015. This Ordinance will be considered for adoption on final reading and public hearing to be held on September 7, 2015 at 6:30 p.m. in the Council Chambers, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to place strictly liability on any person who shall discharge hazardous substances within the Borough of Merchantville for all cleanup and removal costs incurred by the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, One West Maple Avenue, Merchantville, New Jersey.